

Plaintiff Ironshore Specialty Insurance Company (“Ironshore”) filed this declaratory judgment action against defendants Alphonzo Logan, Dewayne Logan, Jamaar Dewayne Logan as Executor of the Estate of Mary Francis Logan, and 4 West Holdings, Inc. (“4 West”). Doc. 1. Defendants Alphonzo Logan, Dewayne Logan, and Jamaar Dewayne Logan timely filed an answer and are defending the case. Docs. 14; 15; 16; 18. Defendant 4 West, however, did not file a response to the complaint and is in default. Docs. 17; 23. Ironshore now moves for default judgment against 4 West. Doc. 25.

Generally speaking, a Court may enter a default judgment against a party for failure to plead or otherwise defend a case. See Fed. R. Civ. P. 55. However, “in cases involving multiple defendants, some of whom are not in default, courts should withhold granting a default judgment until the trial of the action on the merits against the remaining defendants.” *Auto-Owners Ins. Co. v. Bailey*, 378 F. Supp. 3d 1213, 1221 (M.D. Ga. 2019); see also *Frow v. De La Vega*, 82 U.S. 552, 554 (1872) (stating that “a

final decree on the merits against the defaulting defendant alone, pending the continuance of the cause [against the other defendants], would be incongruous and illegal”); *Gulf Coast Fans v. Midwest Electronics Importers, Inc.*, 740 F.2d 1499, 1512 (11th Cir. 1984) (stating that it is “sound policy” that “judgment should not be entered against a defaulting defendant if the other [similarly situated or jointly liable] defendant prevails on the merits”). Accordingly, Ironshore’s motion for default judgment (Doc. 25) is **DENIED without prejudice**.

SO ORDERED, this 24th day of January, 2024.

S/ Marc T. Treadwell
MARC T. TREADWELL, CHIEF JUDGE
UNITED STATES DISTRICT COURT